

[Dkt. Ents. 90, 91, & 92]

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION
LOCAL UNION NO. 27, AFL-CIO,

Plaintiff,

v.

E.P. DONNELLY, INC., and
SAMBE CONSTRUCTION CO. INC.,

Defendants.

Civil No. 07-3023 (RMB/JS)

ORDER

THIS MATTER coming before the Court upon motions for summary judgment by plaintiff Sheet Metal Workers International Association Local Union No. 27, AFL-CIO ("Local 27"), by defendant E.P. Donnelly, Inc. ("Donnelly"), and by defendant Sambe Construction Co. Inc. ("Sambe"); and

THE COURT having considered the parties' moving briefs and the opposition thereto; and

FOR THE REASONS set forth in the OPINION issued herewith;

IT IS on this, the 3rd day of December 2009, hereby

ORDERED that all motions for summary judgment shall be **GRANTED-IN-PART** and **DENIED-IN-PART**: summary judgment shall be granted in favor of Sambe and Donnelly, and against Local 27, as

to the statutory claim; and shall be granted in favor of Local 27, and against Sambe and Donnelly, as to the breach of contract claim; and it is further

ORDERED that the parties shall **CONFER** and **ADVISE** the Court by written submission within two weeks whether a genuine issue of material fact exists as to damages, and if so, the grounds for such dispute; and it is finally

ORDERED that if a genuine issue of material fact exists as to damages, all parties shall be **PREPARED TO CONDUCT A TRIAL** on the matter of damages to begin on January 4, 2010.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE